



Oregon Registration Guidance FIFRA Section 2(ee) Bulletins/Recommendations Last Updated: September 23, 2021

What is FIFRA Section 2(ee)?

FIFRA Section 2(ee) allows the use of a registered pesticide in a manner inconsistent with its labeling. **A 2(ee) bulletin/recommendation (hereafter, 2(ee) bulletin) may be used for a limited number of purposes.**

Does ODA review 2(ee) bulletins?

Yes. **All 2(ee) bulletins must be submitted to the Oregon Department of Agriculture (ODA) for review prior to distribution.** 2(ee) bulletins may be submitted through MyLicense (<https://mylicense.oda.state.or.us/>).

What is the registration fee for a 2(ee) bulletin?

ODA does not currently charge a fee for 2(ee) bulletins.

What can a 2(ee) bulletin be used for?

ODA will generally accept a 2(ee) bulletin that recommends:

- A lower application rate or concentration than the market label (except for termiticides and products that control public health pests).
- A longer pre-harvest or application interval than the market label.
- Fewer applications than the market label allows.
- Use against a pest similar to pests claimed on the market label (e.g., use of an insecticide to control codling moth).
- Mixing a pesticide with other pesticides or a fertilizer.
- Applying the product through an application method not prohibited by the labelling, EXCEPT FOR:
 - Chemigation.
 - An application method that would require specific data to be submitted to EPA (e.g., aerial application, use of an electrostatic sprayer).

What can a 2(ee) bulletin NOT be used for?

ODA will NOT accept a 2(ee) bulletin that recommends:

- A higher application rate or concentration than the market label.
- A shorter pre-harvest or application interval than the market label.
- More applications than the market label allows.
- Use against a pest that is not similar to the pests claimed on the market label (e.g., use of an insecticide to control powdery mildew).
- Use of an antimicrobial pesticide against a human pathogen that is not on the market label.
- Use of application equipment not on the market label to control a human pathogen, if the application equipment would require specific data to be submitted to EPA.
- Reduced contact time for control of a human pathogen on the market label.
- Use on a crop or site not on the market label.
- A use pattern not on the market label (e.g., an aquatic use of a pesticide only labelled for terrestrial use).
- A use that is on the EPA Stamped/Accepted Label, but that was not included on the market label.
- Chemigation.

A 2(ee) bulletin will likely NOT be accepted if the market label bears a statement similar to “Use only for the sites, pests, and application methods described on this label.”

Is an expiration date required on a 2(ee) bulletin?

ODA recommends, but does not require, an expiration date on a 2(ee) bulletin.

Do I need to submit data for a 2(ee) bulletin?

ODA does not currently require data for 2(ee) bulletins, but ODA reserves the right to require them.

What should I do if a 2(ee) bulletin is not appropriate for the use I want?

If a 2(ee) bulletin is not appropriate, a Special Local Needs registration under FIFRA Section 24(c) may be an option. Please contact pesticide-expert@oda.oregon.gov or call (503) 986-4635 to discuss the possibility of a 24(c) registration.



Whom should I contact if I have questions?

For questions about 2(ee) bulletins or instructions on how to submit them, please contact pesticide-expert@oda.oregon.gov or call (503) 986-4635.

